

# SENATE BILL NO. 1428

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

6049S.011

KRISTINA MARTIN, Secretary

### AN ACT

To amend chapters 161 and 173, RSMo, by adding thereto two new sections relating to medical mandates in educational institutions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapters 161 and 173, RSMo, are amended by  
2 adding thereto two new sections, to be known as sections 161.581  
3 and 173.581, to read as follows:

161.581. 1. As used in this section, the following  
2 terms mean:

3 (1) "COVID-19", any disease or health condition caused  
4 by the novel coronavirus named "SARS-CoV-2", the  
5 international outbreak of respiratory disease named  
6 "coronavirus disease 2019" and abbreviated as "COVID-19", or  
7 any variant of or virus mutating from SARS-CoV-2 or COVID-19;

8 (2) "COVID-19 vaccine", a substance used to stimulate  
9 the production of antibodies and provide protection against  
10 COVID-19, prepared from the causative agent of COVID-19, its  
11 products, or a synthetic substitute, and treated to act as  
12 an antigen without inducing a COVID-19 infection;

13 (3) "Public school", the same definition as in section  
14 160.011;

15 (4) "School district", the same definition as in  
16 section 160.011;

(5) "School employee", any teacher, substitute teacher, supervisor, principal, supervising principal, superintendent, assistant superintendent, or other individual who is employed by a school district or a public school.

2. Beginning in the 2026-27 school year and for each subsequent school year, no school district, public school, or school employee shall require any school employee or any student of such school district or public school to:

(1) Receive any COVID-19 vaccine or gene therapy treatment before being physically present at any of the school district's or public school's events, premises, or facilities;

(2) Receive any COVID-19 vaccine or gene therapy treatment before being accepted for employment by the school district or public school or as a condition of acceptance as a student in the school district's public schools; or

(3) Submit to any testing for COVID-19 without the express written consent of the school employee or, in the case of a student, all parents, guardians, or other persons having charge, control, or custody of the student.

3. (1) The department of elementary and secondary education shall investigate any report of a violation of this section. If the department determines that any school district, public school, or school employee has violated this section, the department shall notify the violator of the violation and order the violator to immediately cease and desist any further activity in violation of this section.

(2) If a school employee violates this section and such school employee possesses a certificate of license to teach in the public schools of this state, the state board of education may, upon hearing, suspend or revoke such

49 school employee's certificate of license to teach pursuant  
50 to the provisions of section 168.071.

51 (3) Any student, parent or guardian of such student,  
52 or school employee may bring a civil action against a  
53 violator of this section for appropriate injunctive relief  
54 or actual damages, or both, for any physical, mental, or  
55 emotional injuries sustained by such individual as a result  
56 of a school district's, public school's, or school  
57 employee's violation of this section. Such action shall be  
58 brought in the county where the violation occurred, and the  
59 court shall award damages and court costs to a prevailing  
60 plaintiff.

61 (4) A school district that violates any provision of  
62 this section shall not be entitled to receive state aid  
63 under chapter 163 or any other revenues of the state until  
64 the school district proves to the satisfaction of the  
65 department of elementary and secondary education that the  
66 school district is no longer in violation of this section.

173.581. 1. As used in this section, the following  
2 terms mean:

3 (1) "COVID-19", any disease or health condition caused  
4 by the novel coronavirus named "SARS-CoV-2", the  
5 international outbreak of respiratory disease named  
6 "coronavirus disease 2019" and abbreviated as "COVID-19", or  
7 any variant of or virus mutating from SARS-CoV-2 or COVID-19;

8 (2) "COVID-19 vaccine", a substance used to stimulate  
9 the production of antibodies and provide protection against  
10 COVID-19, prepared from the causative agent of COVID-19, its  
11 products, or a synthetic substitute, and treated to act as  
12 an antigen without inducing a COVID-19 infection;

13 (3) "Employee", any individual who is employed by an  
14 institution of higher education;

15           (4) "Institution of higher education", any institution  
16 of postsecondary education that receives any public funding  
17 and is subject to any governance or regulation by the  
18 coordinating board of higher education under state law.

19           2. Beginning in the 2026-27 academic year and for each  
20 subsequent academic year, no institution of higher education  
21 or employee shall require any employee or student to:

22           (1) Receive any COVID-19 vaccine or gene therapy  
23 treatment before being physically present at any of the  
24 institution's events, premises, or facilities;

25           (2) Receive any COVID-19 vaccine or gene therapy  
26 treatment before being accepted for employment by the  
27 institution or as a condition of acceptance as a student at  
28 the institution; or

29           (3) Submit to any testing for COVID-19 without the  
30 express written consent of the employee or student.

31           3. (1) The department of higher education and  
32 workforce development shall investigate any report of a  
33 violation of this section. If the department determines  
34 that any institution of higher education or employee of an  
35 institution of higher education has violated this section,  
36 the department shall notify the violator of the violation  
37 and order the violator to immediately cease and desist any  
38 further activity in violation of this section.

39           (2) An institution of higher education that violates  
40 any provision of this section shall not be entitled to  
41 receive state aid under this chapter or any other revenues  
42 of the state until such institution proves to the  
43 satisfaction of the department of higher education and  
44 workforce development that such institution is no longer in  
45 violation of this section.

46           (3) Any student or employee of an institution of  
47 higher education may bring a civil action against a violator  
48 of this section for appropriate injunctive relief or actual  
49 damages, or both, for any physical, mental, or emotional  
50 injuries sustained by such individual as a result of a  
51 violation of this section by an institution of higher  
52 education or an employee thereof. Such action shall be  
53 brought in the county where the violation occurred, and the  
54 court shall award damages and court costs to a prevailing  
55 plaintiff.

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